APPENDIX A — OHIO REVISED CODE SECTION 109.25

ORC § 109.25 — **Necessary party to charitable trust proceedings.**

The attorney general is a necessary party to and shall be served with process or with summons by registered mail in all judicial proceedings, the object of which is to:

(A) Terminate a charitable trust or distribute assets:

(B) Depart from the objects or purposes of a charitable trust as the same are set forth in the instrument creating the trust, including any proceeding for the application of the doctrine of cy pres or deviation;

(C) Construe the provisions of an instrument with respect to a charitable trust;

(D) Determine the validity of a will having provisions for a charitable trust.

A judgment rendered in such proceedings without service of process or summons upon the attorney general is void, unenforceable, and shall be set aside upon the attorney general's motion seeking such relief. The attorney general shall intervene in any judicial proceeding affecting a charitable trust when requested to do so by the court having jurisdiction of the proceeding, and may intervene in any judicial proceeding affecting a charitable trust when he determines that the public interest should be protected in such proceeding.

APPENDIX B — OHIO REVISED CODE SECTION 109.30

ORC § 109.30 — **Notice to attorney general and specified persons after probate of will.**

> After admission to probate of a will creating or purporting to create a charitable trust that must be registered under section 109.26 of the Revised Code, or containing a gift valued in excess of one thousand dollars to any charitable trust, notice shall be given to the attorney general, as well as to the persons specified in division (A)(1) of section 2107.19 of the Revised Code, in accordance with that section. If probate of a will creating or purporting to create any charitable trust is refused by interlocutory order under section 2107.181 [2107.18.1] of the Revised Code, notice of further hearing under that section shall be given to the attorney general as well as to the other necessary parties.

APPENDIX C — OHIO REVISED CODE SECTION 2721.05

ORC § 2721.05 — **Determination of rights or legal relations.**

Any person interested as or through an executor, administrator, trustee, guardian, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, lunatic, or insolvent, may have a declaration of rights or legal relations in respect thereto in any of the following cases:

(A) To ascertain any class of creditors, devisees, legatees, heirs, next of kin, or others;

(B) To direct the executors, administrators, trustees, or other fiduciaries to do or abstain from doing any particular act in their fiduciary capacity;

(C) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

APPENDIX D — EXCERPTS FROM THE LAST WILL AND TESTAMENT OF WALTER E. HAVIGHURST, ITEM III G

ITEM III: (G) All the rest, residue and remainder of my estate, of whatever nature and wherever situated, which I own at the time of my death, I give, devise and bequeath to THE FIRST NATIONAL BANK OF SOUTHWESTERN OHIO, Monroe, Ohio, IN TRUST NEVERTHELESS, for the following uses and purposes and under the following terms and conditions:

(a) I do hereby confer on my Trustee all of the powers which are now or may hereafter be conferred by law upon trustees, and in addition thereto, my said Trustee shall have full power and authority to perform the following:

1. To retain any investments, securities, or other property in my estate in the same form as received by said Trustee without liability for loss or depreciation, resulting from such retention, regardless of the percentage of my estate represented by such an asset or assets.

2. To sell, transfer, assign, convey, exchange, lease (irrespective of the period of the trust), mortgage or otherwise dispose of any property, either real or personal, which may now or hereafter constitute a part of the trust estate, at public or private sale, without order of court and for such prices and upon such terms and conditions as my said Trustee may deem advisable, and not purchaser need look to the application of the purchase money.

3. To invest and reinvest any moneys in my estate in such securities, investments or property as my Trustee deems best, without being subject to investment restrictions, statutory, judicial or otherwise.

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4. In the event that my trust estate includes real estate, to improve, insure, manage and otherwise handle said real estate as my Trustee deems advisable, and to expend part of the corpus of said trust for such purpose.

5. In the event of distribution of my estate, to distribute any of the property in kind as my Trustee deems advisable, and to place a valuation on any such property or security to be distributed; any value so placed upon such property shall be final, binding, and conclusive.

6. To compromise any and all claims in favor of or against my estate, as my Trustee deems advisable.

7. To execute and deliver such corporate proxies and consent to such corporation mergers and changes as my Trustee deems advisable.

8. To collect all income, and to determine whether money or property coming into said trust estate shall be treated as principal or income; to pay all necessary expenses; and to charge such expenses, gains, or losses to principal or income as said Trustee may deem just and equitable.

9. To deduct, retain and reimburse itself for such costs, charges, taxes, damages and expense as it may have paid or have been put to by reason thereof.

10. To make, execute and deliver any and all deeds, assignments, conveyances, powers of attorney, proxies and such other instruments, contracts, and agreements, as may be necessary or proper to carry out the powers herein granted my Trustee all of which may be exercised by said Trustee without the order or approval of any court.

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11. To take and to hold all securities and other property in bearer form, in my Trustee's own name or the names of any nominees, or the name of a nominee, without disclosing any fiduciary relationship, if my Trustee deems such action wise.

12. To employ or consult with such agents, advisors, and legal counsel, as my Trustee in its sole discretion deem advisable inconnection with its duties hereunder and to determine and pay such persons, firms, or corporations the reasonable value of their services.

(b) The income of my trust estate, and the principal if need be, shall be used by my Trustee to promote and fund educational projects through the Miami University International Center, Oxford, Ohio, for building cross-cultural understanding between the peoples of the United States of America and the Union of Soviet Socialist Republics. The President of Miami University, Oxford, Ohio or his or her designee, shall have the sole discretion to determine the nature of said projects, within the guidelines set forth below, and to determine the amounts necessary to fund said projects.

1. Funding and promoting presentations to members of the general public, on the Soviet Union;

2. Funding and promoting classes and presentations to Miami University students and children on various aspects of Soviet life;

3. Funding and promoting study groups and classes for Miami University students and adults on Soviet-American relations and contemporary Soviet society;

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4. Funding and promoting presentations, seminars, and studies on relations between the governments of the United States and the Soviet Union;

5. Funding and promoting programs and classes dealing with conflict relationships at the international level;

6. Funding and promoting Miami University student, and group trips by members of the Oxford, Ohio community to the Soviet Union through a "sister city" program, according to guidelines set forth by Sister Cities, International, Washington, D.C.;

7. Funding and promoting group trips to the Soviet Union to allow Miami University students, Oxford, Ohio citizens and other Americans to meet and establish direct contact with municipal officials, industrial workers, educators, students, medical, legal and other professional agriculturists, and creative artists;

8. To promote and fund exchanges of children's artwork between Soviet and American children and to promote and fund consultative services to municipalities and groups wishing to establish direct contact with Soviet people and their counterparts.

9. To establish and fund an endowed professorship of Soviet-American Relations at Miami University, Oxford, Ohio.

(c) This trust fund shall be referred to as the WALTER E. HAVIGHURST FUND.

(d) It is contemplated that the trust income and principal, if needed, shall be used, at least initially, to fund and promote the

projects listed in (b) above, primarily in Southwestern Ohio and Southeastern Indiana. However, my Trustee shall have the authority to fund such projects anywhere in the United States, if they are in keeping with the overall purpose of this trust and if pursuant to instructions given to it by the President of Miami University, Oxford, Ohio.

(e) I request that RUTH NEFF and SAMUEL NEFF, now residing in Richmond, Indiana, by utilized as consultants to the President of Miami University, Oxford, Ohio for purposes of providing suggestions and advice on ways that the above projects might be accomplished although the ultimate decisions shall remain with said President.

(f) As set forth above, all determinations regarding expenditures of funds shall be made by the President of Miami University, Oxford, Ohio or his or her designee. My Trustee shall be relieved of any and all liability from or responsibility for the decisions made by said President.